



PATENT  
ATTORNEY DOCKET NO.: 053847-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Tohru ISHIZUYA et al. ) Confirmation No.: 2939  
Application No.: 10/676,733 ) Group Art Unit: 2873  
Filed: October 2, 2003 ) Examiner: E. Lester  
For: OPTICAL ELEMENT, THIN FILM )  
STRUCTURE, OPTICAL SWITCH, )  
AND METHOD OF MANUFACTURING )  
OPTICAL ELEMENT ) Mail Stop Amendment

The Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop Amendment**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**AMENDMENT**

1. Transmitted herewith is an Amendment in response to Office Action dated September 22, 2005.
  
2. Additional papers enclosed:

- Drawings:  Formal  Informal (Correction)  
 Information Disclosure Statement  
 Form PTO-1449, \_\_\_\_\_ references included  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$0.00

If an additional extension of time is required, please consider this a Petition therefor.

- An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	49	minus	56	0	x \$50 each=	+ \$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	15	minus	14	1	x \$200 each=	+ \$ 200.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$
SUB-TOTAL =						\$ 200.00
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ 200.00

6. Fee Payment

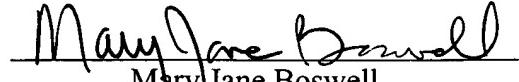
- No fee is to be paid at this time.
- The Commissioner is hereby authorized to charge \$200.00 for the additional claims fee to Deposit Account No. 50-0310.
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: December 16, 2005

By:

  
Mary Jane Boswell  
Reg. No. 33,652

**CUSTOMER NO. 09629**

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**AMENDMENT**

In response to the Office Action dated September 22, 2005, the period for response to which extends through December 22, 2005, please amend the above-identified application as follows:

12/19/2005 SZEWIDIE1 00000112 500310 10676733  
01 FC:1201 200.00 DA